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**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 4, 2009**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Coiner, McGee, Pearce, Sagness, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Paige Retter, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Coiner, McGee, Pearce, and Schroeder were recorded present at this order of business.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 4, 2009

The JUDICIARY AND RULES Committee reports that [S 1060](#) has been correctly printed.

DARRINGTON, Chairman

[S 1060](#) was referred to the Education Committee.

February 3, 2009

The JUDICIARY AND RULES Committee reports that [SCR 101](#) has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [SCR 101](#) and ordered it transmitted to the House for the signature of the Speaker.

February 4, 2009

The EDUCATION Committee reports out [S 1017](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1017](#) was filed for second reading.

Senators Sagness and Stegner were recorded present at this order of business.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 4, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard D. Westerberg of Preston, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2009, and expiring March 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 3, 2009

Dear Mr. President:

I transmit herewith [H 33](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 33](#) was filed for first reading.

February 3, 2009

Dear Mr. President:

I return herewith [S 1016](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1016](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Gary D. Power was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Werk, the Gubernatorial appointment of Gary D. Power as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Randal F. Rice was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Stegner, the Gubernatorial appointment of Randal F. Rice as a member of the Idaho Park and Recreation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Cameron was recorded present at this order of business.

President Little assumed the Chair.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Wayne Wright was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Brackett, seconded by Senator Werk, the Gubernatorial appointment of Wayne Wright as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Megan Ronk was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, the Gubernatorial appointment of Megan Ronk as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Brian Scigliano was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Fulcher, seconded by Senator Kelly, the Gubernatorial appointment of Brian Scigliano as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Sheila A. Olsen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, the Gubernatorial appointment of Sheila A. Olsen as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 102](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, [SCR 102](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 2](#) was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Kelly, that [HCR 2](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [HCR 2](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 3](#) was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Kelly, that [HCR 3](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [HCR 3](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 4](#) was before the Senate for final consideration.

Moved by Senator Kelly, seconded by Senator Darrington, that [HCR 4](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [HCR 4](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 5](#) was before the Senate for final consideration.

Moved by Senator Hill, seconded by Senator Kelly, that [HCR 5](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [HCR 5](#) adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1061 BY TRANSPORTATION COMMITTEE AN ACT

RELATING TO SNOWMOBILES; AMENDING SECTION 67-7112, IDAHO CODE, TO PROVIDE THAT CERTAIN VEHICLES SHALL NOT BE ALLOWED TO OPERATE ON GROOMED SNOWMOBILE TRAILS, TO PROVIDE AN EXCEPTION, TO PROVIDE A PENALTY AND TO MAKE TECHNICAL CORRECTIONS.

[S 1061](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 33](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1015](#), by Schroeder, was read the second time at length and filed for third reading.

[S 1003](#), [S 1004](#), and [S 1007](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1018](#) and [S 1019](#), by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1012](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 34.

NAYS—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared [S 1012](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1041](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared [S 1041](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1044](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Thorsen (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Schroeder. Total - 1.

Total - 35.

Whereupon the President declared [S 1044](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Thursday, February 5, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary